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1 You've never heard based on your many years in law
2 enforcement --
3 MR. CHANEY: Objection, form.
4 A. Yeah. But do they often?
5 Q. (By Mr. Ruiz) Yeah.
6 A. I have no --
7 Q. Well, let me ask it this way, have you ever heard
8 of someone trying to commit suicide by overdosing on
9 medications?
10 A. Yes, sir.
11 Q. Okay. Is that -- is that something -- is that
12 something serious, that should be taken seriously, when
13 an officer comes across or responds to a call where
14 there's been an overdose of medications?
15 A. Yes, sir.
16 Q. Okay. What exhibit number is that, sir?
17 A. 13.
18 Q. 13.
19 MR. CHANEY: Is it okay if I staple it?
20 MR. RUIZ: Yes, that's fine. I'm sorry, I
21 thought I had gotten it in there.
22 MR. CHANEY: No problem.
23 MR. RUIZ: I'm going to need another one.
24 Can you make me another one?
25 THE REPORTER: 14.

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1 MR. RUIZ: 14.
2 (Plaintiff's Exhibit No. 14 marked.)
3 Q. (By Mr. Ruiz) Let me hand you what's been marked
4 as Exhibit No. 14.
5 A. Okay.
6 Q. What is Exhibit No. 14, sir?
7 A. It's an incident report that's made by dispatch
8 on overdose.
9 Q. And that incident report is No. 2006-002308, is
10 that correct?
11 A. That's correct.
12 Q. And the date is January 30th of 2006?
13 A. That's correct.
14 Q. Approximately, a year and a half prior to
15 Ms. Maricela Trevino's hanging at the jail?
16 A. That's correct.
17 Q. Okay. And this report was -- this is -- is this
18 the -- is this the type of report that is completed by
19 your communications department?
20 A. No, this -- yeah, this is communications.
21 Q. Okay. And the -- the communication -- the
22 communications or dispatcher, as shown on this exhibit
23 or on this report, is Israel Trevino, correct?
24 A. Uh-huh.
25 Q. And the offender is there -- is there a section

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1 for offender in this?
2 A. The complaint is Chris Villarreal, offender see
3 other parties.
4 Q. Okay. There's nothing in there, right?
5 A. No, no.
6 Q. Does it show the offense?
7 A. The offense of overdose, yeah.
8 Q. Okay. And the -- the assigned officer to this
9 incident report?
10 A. Assigned officer is Yesenia Yarrito.
11 Q. And Officer Yarrito, is she still with the police
12 force at Weslaco?
13 A. No, sir.
14 Q. Do you know where she is now employed?
15 A. I think she's employed with the Harlingen Police
16 Department.
17 Q. Harlingen Police Department, okay. There are
18 other assisting officers, do you see that, sir?
19 A. Maria Ganbi.
20 Q. Okay. Is she still with the Weslaco Police
21 Department?
22 A. I believe so, she's an investigator.
23 Q. David Garcia?
24 A. He's no longer a peace officer.
25 Q. Do you know where he is?

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1 A. He's somewhere in school somewhere.
2 Q. And Carlos Cervantes is he still with the --
3 A. Carlos Cervantes he's still with the police
4 department.
5 Q. Weslaco P.D.?
6 A. Uh-huh.
7 Q. Do you know if Israel Trevino is still a
8 dispatcher employed?
9 A. I have no idea.
10 Q. Okay. And Page 2 of that report --
11 A. Report by the officer.
12 Q. That's the report by Officer --
13 A. Yarrito.
14 Q. -- Yesenia Yarrito, right?
15 A. Yes, sir.
16 Q. And she titles it overdose?
17 A. Yes.
18 Q. And she writes, on Monday January 30th, 2006 at
19 about 1:06 p.m. I was dispatched to 815 East America in
20 reference to an overdose?
21 A. Uh-huh.
22 Q. Did I read that correctly, sir?
23 A. Yes, sir.
24 Q. Upon arrival I made contact with Chris
25 Villarreal, I guess that's her date of birth, 01/13/63?

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1 A. Uh-huh.
 2 Q. Who stated her sister had taken an unknown amount
 3 of anxiety pills, Lorazepam. When asked Maricela
 4 Trevino asked, she took about eight pills. Did I read
 5 that correctly?
 6 A. That is correct.
 7 Q. Maricela Trevino appeared to be highly
 8 intoxicated?
 9 A. Uh-huh.
 10 Q. Hour under the influence of --
 11 A. Or, it should have been.
 12 Q. Or, she meant, under the influence of medication.
 13 She also had slurred speech and unsteady balance.
 14 Weslaco EMS transported her to Knapp Medical Center.
 15 A. That's correct.
 16 Q. Did I read that correctly?
 17 A. That's correct.
 18 Q. Is this an example where the police officer did
 19 an assessment?
 20 A. Uh-huh.
 21 Q. And took the -- the individual to the nearest
 22 medical facility?
 23 A. Yes, sir.
 24 Q. Okay. Would -- would you -- would you agree with
 25 me that as a result of this report in January of 2006

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1 that the Weslaco Police Department knew that Maricela
 2 Trevino was a suicide risk?
 3 MR. CHANEY: Objection, form.
 4 A. No, sir.
 5 Q. (By Mr. Ruiz) Okay, okay.
 6 (Plaintiff's Exhibit No. 15 marked.)
 7 MR. CHANEY: I'm going to staple the two
 8 pages of Exhibit 14 together.
 9 MR. RUIZ: Okay. I hate to ask you this,
 10 but I need two minutes to locate the rest of my exhibit,
 11 if you don't mind. I'm almost -- I'm almost done. Is
 12 that okay, Mr. Chaney?
 13 THE VIDEOGRAPHER: We're off the record at
 14 2:27 p.m.
 15 (Discussion off the record.)
 16 THE VIDEOGRAPHER: We're back on the record
 17 at 2:28 p.m.
 18 Q. (By Mr. Ruiz) Chief Martinez, I'm going to hand
 19 you Exhibit No. 15.
 20 A. Okay.
 21 Q. Okay. Chief Martinez, is cutting -- when a
 22 person cuts their wrist, is that a way of committing
 23 suicide?
 24 A. If they cut the main vein, yeah.
 25 Q. Okay. And Exhibit No. 15 is a -- is an incident

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1 report, correct?
 2 A. Yeah, uh-huh.
 3 Q. And it's an incident report dated November 6th of
 4 2006?
 5 A. That's correct.
 6 Q. Okay. At 8:42 in the morning?
 7 A. Uh-huh.
 8 Q. Okay. And this first page of Exhibit 15, is that
 9 the page that's completed by the dispatcher?
 10 A. Uh-huh.
 11 Q. Communications department?
 12 A. That's right.
 13 Q. In this case, it would have been --
 14 A. Disorderly conduct.
 15 Q. Okay. And who's the dispatcher or the
 16 dispatchers who were responsible for creating this
 17 report?
 18 A. Ernesto, Lydia.
 19 Q. Oh, so we have Ernesto Berata?
 20 A. Uh-huh.
 21 Q. Is that one of the dispatchers?
 22 A. Uh-huh.
 23 Q. And Lydia Olalde?
 24 A. Uh-huh.
 25 Q. Is that the other dispatcher?

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1 A. Yes, sir.
 2 Q. The officers who responded to this call?
 3 A. Delia Antonio, Yesenia Yarrito and Gerardo Oliva.
 4 Q. Okay. So three officers responded to this call,
 5 is that correct?
 6 A. Uh-huh.
 7 Q. And two dispatchers assisted the officers with
 8 the call?
 9 A. Uh-huh.
 10 Q. Is that a yes, sir? I need to --
 11 A. Yes, sir, I'm sorry.
 12 Q. She needs to take it down?
 13 A. Okay.
 14 Q. Okay. In this -- in this incident report the
 15 call is reported from Celia Trevino at 815 America
 16 Street in Weslaco?
 17 A. That's correct, sir.
 18 Q. Okay. And if you look at the section in the
 19 middle on the first page, which is 46, the notes?
 20 A. Yes.
 21 Q. It reads, the first entry is a -- is a date and
 22 time?
 23 A. Uh-huh.
 24 Q. 8:43 with 43 seconds, you see that?
 25 A. Yes, sir.

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1 Q. Then there's the second entry under that is 1787,
 2 11-06-2006 8:42 with 45 seconds?
 3 A. Uh-huh.
 4 Q. And it says REF, ref to daughter?
 5 A. Yeah.
 6 Q. Disorderly conduct -- DC, disorderly conduct with
 7 mother. Did I read that correctly?
 8 A. That's correct.
 9 Q. And then the line under that says 1771 11-06-2006
 10 8:59 with 20 seconds. And then this reads, very short
 11 hair, black wind shorts, female left with B from
 12 location, does have cut to the wrist. Did I read that
 13 correctly?
 14 A. Does have cut to the wrist, yeah.
 15 Q. Okay. Then the line under that is 1717,
 16 11-06-2006, 9:05 a.m. with 38 seconds, did I read that
 17 correctly?
 18 A. That's correct.
 19 Q. Then it says, female possibly ER. What does ER
 20 mean?
 21 A. Emergency room.
 22 Q. Okay. To PD, is that to police department?
 23 A. To police department.
 24 Q. That would be the Weslaco Police Department?
 25 A. Right.

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1 Q. To make contact with Judge Farias about
 2 Section 28?
 3 A. That's correct.
 4 Q. Did I read that sentence correctly?
 5 A. Yes, sir.
 6 Q. So we know that the dispatchers on November 6th,
 7 2006 wrote these notes in this section of the report?
 8 A. That's correct.
 9 Q. Okay. The second page -- the second page is
 10 the -- it also identifies the assigned officers Yesenia
 11 Yarrito?
 12 A. Uh-huh.
 13 Q. Assisting officers Jose Rodriguez and Eloy Cano?
 14 A. Uh-huh.
 15 Q. Is that correct?
 16 A. Yes, sir.
 17 Q. And the dispatcher is Lydia Olalde?
 18 A. Uh-huh.
 19 Q. And the call was received by Lydia Olalde?
 20 A. Uh-huh.
 21 Q. Is that correct?
 22 A. Yes, sir.
 23 Q. So would you expect Lydia Olalde to have written
 24 the notes in the previous section, sir, on Page 1?
 25 A. Other parties, yeah.

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1 Q. Is that a yes?
 2 A. Yes, sir. Yes, sir.
 3 Q. Okay. And if we go to the third page of
 4 Exhibit No. 15, it's the report by the police officer
 5 Yarrito?
 6 A. Yes, ma'am -- yes, sir.
 7 Q. Yesenia Yarrito.
 8 A. Uh-huh.
 9 Q. And she titles this Section 26. Now, when you --
 10 when she titles this Section 26 and the other reference
 11 with a Section 28, that means this is a serious call,
 12 correct?
 13 A. She made an assessment.
 14 Q. Okay.
 15 A. An assessment of a Section 26 means, I'm thinking
 16 that she needs to be taken to MHMR for evaluation.
 17 Q. Okay. And so that's a serious -- that's a
 18 serious call that she responded to, correct?
 19 A. Well, she made that assessment.
 20 Q. Right?
 21 A. She's -- she's saying it, Section 26.
 22 Q. Okay.
 23 A. She just -- she responded to a disorderly conduct
 24 call.
 25 Q. Okay.

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1 A. By the mother, okay.
 2 Q. Okay. And so she's assessing that?
 3 A. She made an assessment due to the fact that she
 4 cut her wrist.
 5 Q. Okay.
 6 A. That she needed to be evaluated.
 7 Q. Okay.
 8 A. To see if she was a suicidal -- if she was
 9 suicidal.
 10 Q. Okay.
 11 A. Okay.
 12 Q. Okay. And let's read that, I'll read it for you.
 13 A. Okay.
 14 Q. It says on -- on this second to the last page,
 15 Page No. 145, on Monday, November 6th, 2006 at about
 16 10:11 a.m. I was dispatched at 815 America in reference
 17 to a suicidal female.
 18 A. Uh-huh.
 19 Q. Did I read that correctly?
 20 A. That's correct.
 21 Q. The next paragraph, upon arrival I made contact
 22 with Maricela Trevino, 08-18-71?
 23 A. Uh-huh.
 24 Q. Her date of birth?
 25 A. Yes, sir.

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1 Q. Who stated that she was arguing with her mother,
2 so she cut her left wrist three times. The female was
3 detained under emergency mental health warrant.

4 A. Uh-huh.

5 Q. And transported to Knapp Medical Center.

6 A. Right.

7 Q. Did I read that correctly?

8 A. That's correct.

9 Q. Upon medical clearance, female was transported to
10 Tropical Texas for screening/evaluation?

11 A. That's correct.

12 Q. It says, female was not accepted, she was
13 transported back to 815 America and released to her
14 mother. Did I read that correctly?

15 A. That's correct.

16 Q. Now, Chief Martinez, this emergency mental health
17 warrant.

18 A. Uh-huh.

19 Q. That health warrant was filled out by whom?

20 A. That's a Section 26, that's what it's called.

21 Q. Okay.

22 A. Okay.

23 Q. And so -- okay. And who completes that?

24 A. The officer.

25 Q. Okay.

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1 A. The officer completes that and that's her
2 assessment.

3 Q. Okay.

4 A. And then she takes her to -- to the Tropical
5 Texas for screening and evaluation.

6 Q. Okay.

7 A. And the doctor, the psychologist there --

8 Q. Okay.

9 A. -- did not think that she needed to stay, she
10 wasn't suicidal.

11 Q. Okay. And you know that -- and you know that for
12 a fact?

13 A. Yes, sir. She's the psychiatrist.

14 Q. Okay.

15 A. If he says I'm not accepting her because, you
16 know, she's not suicidal, then we sent her back.

17 Q. And the reason I'm asking, because do you have
18 independent knowledge about this separate than from
19 what's inside here?

20 A. No.

21 Q. Okay.

22 A. All we can going by is, when I told you earlier,
23 we don't -- we only assess. The evaluation is done by a
24 psychiatrist or a physical -- a medical professional.

25 Q. Right. But do you know for a fact, can you

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1 represent to this jury that there was a psychiatrist on
2 duty on that day?

3 A. I have no idea.

4 Q. Okay.

5 A. I'm assuming that there would be.

6 Q. And then that's why I was -- that's why my
7 question was, with 100 percent certainty, can you tell
8 the ladies and gentlemen of the jury who are going to
9 watch this videotape whether there was a psychiatrist on
10 duty that day?

11 A. I can't.

12 Q. Okay.

13 A. The officer may be able to tell you that.

14 Q. Okay, right. And so -- and do you know with 100
15 percent certainty what the reasons for their releasing
16 her from the Tropical Texas, do you know what they are?

17 A. I'm not a physician, I'm not a doctor.

18 Q. Okay.

19 A. I wouldn't be able to answer that.

20 Q. And I was asking because maybe you spoke
21 Officer Yarrito back in --

22 A. No. I mean, she doesn't have that authority
23 either.

24 Q. Okay.

25 A. The doctor is the only one that can commit --

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1 Q. Okay.

2 A. -- a person into it.

3 Q. Would you agree with me that you don't know the
4 reason why she was released as you sit here today?
5 Would you agree with that?

6 A. I know that she was not accepted.

7 Q. Okay.

8 A. Which means that she's not -- they didn't think
9 that she was suicidal.

10 Q. Well, and where do you gather that from,
11 Chief Martinez?

12 A. Because if -- in the prior experience you take
13 somebody, and then if they're suicidal, they'll accept
14 them.

15 Q. And the prior --

16 A. If they're not suicidal they won't -- they'll
17 send you back with the individual, and you take her to
18 the parent or you release her. In this case, we
19 released her, we didn't put her in jail.

20 Q. Okay.

21 A. We released her back to her mother.

22 Q. Okay. And based on prior experience, is that
23 prior experience with the chief of the police department
24 of Weslaco?

25 A. This is prior cases that we've had.

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1 Q. Okay. How many prior cases have you had where
2 people --
3 A. You would have to check that with the MHMR,
4 Tropical Texas.
5 Q. Okay.
6 A. I won't be able to give you a number.
7 Q. How many -- during your tenure as chief, how many
8 times did people attempt to commit suicide inside the
9 Weslaco jail?
10 A. Attempted to commit suicide?
11 Q. Uh-huh.
12 A. That I know, this is -- this is the only.
13 Q. Okay.
14 A. This is the only case.
15 Q. Okay. But if we just look at this report, and
16 you don't have any other independent -- you don't know
17 what the -- what the reasons for her release from
18 Tropical Texas are here today, correct?
19 A. For sure?
20 Q. Yes, for sure.
21 A. I wouldn't know.
22 Q. Okay.
23 A. The doctors are the ones that evaluate that.
24 Q. Okay.
25 A. We don't even -- I keep telling you, we do not

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1 evaluate, the doctors are the only ones that evaluate.
2 Q. Okay.
3 A. And they make that assessment.
4 Q. Okay.
5 A. We just assess, if they need help then we take
6 them.
7 Q. Okay.
8 A. We feel that they need help but --
9 Q. All you know about this suicide attempt was
10 what's in this report that you're reading, right?
11 A. Yeah, yeah.
12 Q. Okay. And this is the first time you've ever
13 read this report?
14 A. Yes.
15 Q. Okay. And so Officer Yarrito opened -- is there
16 a -- is there a folder where officer Yarrito -- or is
17 there a place where I can find other Section 26
18 documents? Are they stored?
19 A. I'm sure that they are.
20 Q. Okay. What --
21 A. I mean, the officers would have -- would
22 have -- you would probably go to CID, and CID you could
23 find -- you could find reports of people that have been
24 sectioned.
25 Q. And what was CID? What did that stand for also?

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1 A. Section 26. What does it stand for?
2 Q. Yeah, CID? What is --
3 A. Oh, Criminal Investigation Division.
4 Q. Criminal -- would you agree with me,
5 Chief Martinez, that on -- in November -- on
6 November 6th, 2006, the Weslaco Police Department was
7 aware that Maricela Trevino was a suicide risk?
8 A. No, sir.
9 Q. Would you say --
10 MR. CHANEY: Is it okay if I staple 15
11 together?
12 MR. RUIZ: Yes, sir.
13 MR. CHANEY: Okay.
14 Q. (By Mr. Ruiz) Would you say, this is the -- this
15 would have been the second call that Officer Yarrito
16 responded to that involved -- that involved a call where
17 Maricela Trevino was transported to a medical facility,
18 would you agree with that?
19 A. I would have to look at the arrest reports.
20 Q. Okay. Well, the one of January 30th of '06
21 stated she was transported to Knapp Medical Center,
22 that's a medical facility, right?
23 A. Oh, yeah. Yeah, that's medical, EMS.
24 Q. Okay.
25 A. And what happened then, I have no idea.

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1 Q. Well, she went to a hospital?
2 A. Yeah.
3 Q. Right?
4 A. Well, because she stated she had eight pills.
5 Q. And --
6 A. She took eight pills and she was intoxicated, so.
7 Q. And Officer Yarrito responded to that call?
8 A. Yes, sir.
9 Q. She also responded to the call of November 6th
10 when she was -- when Maricela -- thank you. When
11 Maricela Trevino was taken to another hospital Tropical
12 Texas?
13 A. Uh-huh.
14 Q. Is that correct?
15 A. Yes, sir.
16 Q. Would you agree with me, Chief Martinez, that
17 based on those two instances, Weslaco police officer
18 Yarrito was aware that Maricela Trevino was a suicide
19 risk?
20 A. No, sir.
21 Q. Okay. Would you agree with me that based on
22 Exhibit No. 15, the call of November 6th, 2006 that
23 dispatcher Lydia Olalde --
24 A. Uh-huh.
25 Q. -- was aware that Maricela Trevino was a suicide

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1 risk?
 2 A. No, sir.
 3 Q. Okay. And if you could refer to Exhibit No. 8,
 4 Chief Martinez.
 5 A. Right there.
 6 MR. CHANEY: It should be up --
 7 THE WITNESS: 8, yeah, they're not in order.
 8 MR. CHANEY: Okay.
 9 A. Okay.
 10 Q. (By Mr. Ruiz) Exhibit No. 8 is the incident
 11 report --
 12 A. 5-17.
 13 Q. -- of May 17th, 2007 --
 14 A. Yes, sir.
 15 Q. -- when Maricela Trevino --
 16 A. Yes, sir.
 17 Q. -- attempted suicide by hanging?
 18 A. Yes, sir.
 19 Q. Is that correct? Who was the dispatcher on duty?
 20 A. By choking, she didn't hang herself. She tied
 21 something around her neck.
 22 Q. Okay. Well, she -- what did she hang around her
 23 neck?
 24 A. She didn't hang anything around there, she tied.
 25 Q. Okay. What did she tie around her --

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1 A. A leg bandage.
 2 Q. An Ace bandage?
 3 A. An Ace bandage.
 4 Q. Okay. Who -- let me ask you this, who was
 5 the -- who was the call received by?
 6 MR. CHANEY: You mean the dispatcher?
 7 Q. (By Mr. Ruiz) The dispatched call was received by
 8 who?
 9 A. Jose Ferrer.
 10 Q. And --
 11 A. And call received by dispatcher and call received
 12 by Lydia Olalde.
 13 Q. So Lydia Olalde was on duty as a dispatcher
 14 during the incident six months earlier?
 15 A. Uh-huh.
 16 Q. In November of '06? And she's also on duty on
 17 May 17th, 2007?
 18 A. Uh-huh.
 19 Q. Would you agree with me, Chief Martinez, that
 20 dispatch Olalde was aware that Ms. Trevino was a suicide
 21 risk on May 17th, 2007?
 22 A. No, sir.
 23 Q. Okay. Do you -- and the documentation for
 24 November -- for January of '06, which is the Exhibit 14
 25 and Exhibit 15 of November 6th, 2006, that documentation

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1 was readily available to the supervisor on duty on
 2 May 17th, 2007, correct?
 3 A. Yes.
 4 Q. Sergeant Mesa?
 5 A. Sure, should be.
 6 Q. And Sergeant Mesa, if he wanted to, he could
 7 have -- he had authority and he had the ability to go
 8 back into these police records and evaluate whether
 9 Maricela Trevino was a suicide risk, correct?
 10 A. Could assess, he can't evaluate.
 11 Q. Could have assessed?
 12 A. Yes..
 13 Q. Okay. And also, the -- on May 17th, 2007, when
 14 Maricela Trevino was booked at the Weslaco jail, she was
 15 discovered to have found she had cuts on her wrist, is
 16 that your understanding?
 17 A. Cuts or scrapes?
 18 Q. Cuts?
 19 A. Then EMS was called in.
 20 Q. Okay. Does that sound correct to you?
 21 A. Yeah. I mean --
 22 Q. So she had cuts on her wrists on May 17?
 23 A. She had abrasions on her wrist.
 24 Q. Okay.
 25 A. From climbing the fence.

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1 Q. And if she had cuts on her wrists, that's
 2 consistent with the same type of cut that she had --
 3 A. I think it was on her forearm.
 4 Q. On November --
 5 A. I think it's the forearm that she was --
 6 Q. Are you sure?
 7 A. -- jumping the fence.
 8 Q. Are you sure?
 9 A. I think so. Let me -- let me read the report.
 10 Q. Sure.
 11 A. The report will tell you. Okay. Noticed that
 12 she was bleeding from the right forearm.
 13 Q. And which is the forearm?
 14 A. Forearm, here.
 15 Q. Okay. That's the inside of her --
 16 A. Yeah.
 17 Q. That's the --
 18 A. Okay.
 19 Q. And the medical examiner noted that there were
 20 cuts on both wrists, okay?
 21 A. Previously?
 22 Q. After this incident.
 23 A. Not that I know of.
 24 Q. Okay. Well, but if she has cuts on her wrists on
 25 May 17th, 2007, it's the same thing, the same type of

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1 injury that she had six months earlier in November of
2 2006, based on that other report, would you agree?

3 A. That was the disorderly conduct that was cleared,
4 she was -- she was -- procedure was followed by the
5 officer and was cleared by the medical authorities.

6 MR. RUIZ: I'm going to object as
7 nonresponsive.

8 Q. (By Mr. Ruiz) Let me ask you, what types of cuts
9 did Ms. Trevino have on her wrists during -- in November
10 of 2006?

11 A. I have no idea.

12 Q. Based on Exhibit No. 15 that you have right
13 there?

14 A. Well, it says that she had cuts on her wrist.

15 Q. Okay.

16 A. Now, I didn't see the cuts and I wouldn't be able
17 to tell you --

18 Q. Okay.

19 A. -- how deep they were or --

20 Q. Right. I was just asking you about the type
21 of -- they were cuts on her wrist, correct? Is that
22 your understanding from reading that exhibit --

23 A. Yes, sir.

24 Q. -- that report in November of 2006?

25 A. Yes, sir.

1 Q. And then -- and that's when Lydia Olalde was a
2 dispatcher on duty, correct?

3 A. That's correct.

4 Q. Okay. And she's also a dispatcher on duty on
5 May 17th, 2007?

6 A. That's correct.

7 Q. Correct?

8 A. Yes, sir.

9 Q. And the type of cuts that were treated by EMS at
10 the Weslaco jail that they treated the Maricela Trevino
11 for were also cuts on her wrists?

12 MR. CHANEY: Objection. He's answered that
13 question several times. He said forearm, and you can
14 ask it a bunch of times, the answer is going to be the
15 same.

16 MR. RUIZ: Okay. Give me a second I'm
17 trying to --

18 MR. CHANEY: We've been going about six
19 hours.

20 MR. RUIZ: I'm trying to finish too soon
21 here.

22 A. It said EMS attended to what she calls small
23 superficial cuts. Once at the station EMS attended to
24 what he called small superficial cuts.

25 Q. (By Mr. Ruiz) Albert Ponce -- on Page 3 of

1 Exhibit No. 8.

2 A. Uh-huh.

3 Q. Towards the bottom it reads -- and once at the
4 station EMS attended to what he called small superficial
5 cuts, right?

6 A. Uh-huh.

7 Q. Did I read that correctly?

8 A. Well, not --

9 Q. Once at the station EMS --

10 A. Yeah, attended to what he called small
11 superficial cuts. This is EMS attendant.

12 Q. Correct. Did I read that sentence correctly?

13 A. Yes.

14 Q. Okay. Then it says, I noticed that they were
15 cleaning blood from her left wrist, did I -- did I read
16 that correctly?

17 A. From the small superficial cuts.

18 Q. I'm just asking you about the second sentence,
19 Chief Martinez. I'm asking you --

20 A. Well, you've got to read the entire --

21 Q. Well, I did already. Okay. But let me read
22 you --

23 A. Okay.

24 Q. -- the second part --

25 A. All right.

1 Q. -- that says, I noticed that they were cleaning
2 blood from her left wrist, did I read correctly?

3 A. That's correct.

4 Q. And this report contains what happened the
5 evening of May 17th of '07, right?

6 A. Yes, sir.

7 Q. So on May 17th of '07 and on November of 2006,
8 Maricela Trevino, according to these exhibits and
9 reports, had cuts on her wrist, is that correct?

10 A. That's correct. But this explains that she
11 jumped the fence, and in jumping the fence she had
12 superficial cuts to her forearm and the wrist that she
13 was jumping the fence.

14 MR. RUIZ: I'm going to object to the
15 nonresponsiveness --

16 THE WITNESS: Okay.

17 MR. RUIZ: -- of the answer.

18 MR. CHANEY: Do you have another topic?
19 He's not a doctor.

20 Q. (By Mr. Ruiz) I'm looking for another section.
21 Chief Martinez, despite knowing -- well, strike that
22 question.

23 Chief Martinez, on May 17th, 2007 communications
24 dispatcher Lydia Olalde did nothing to eliminate the
25 risk of Maricela Trevino committing suicide, would you

1 agree with that?

2 A. That's not her responsibility.

3 MR. RUIZ: Objection, nonresponsive.

4 Q. (By Mr. Ruiz) Do you agree with that statement
5 that I --

6 A. No, sir, I don't.

7 Q. Okay. After this incident you testified earlier
8 that -- that Captain -- you had Captain Walinsky
9 investigate?

10 A. Captain Walinsky and Captain Vallejo.

11 Q. And Captain Vallejo, they investigated the
12 incident of May 17th, 2007?

13 A. They had -- they brought in additional personnel
14 from Criminal Investigation Division to assist them in
15 the investigation of what had happened.

16 They brought in Adan Sanchez, who's a
17 corporal -- a sergeant, I'm sorry. Sergeant CID. They
18 brought in Corporal Dido, who is also a CID
19 investigator.

20 Q. Okay.

21 A. Supervisors in the Criminal Investigation
22 Division. Captain Vallejo oversees the Criminal
23 Investigation Division. So together they investigated
24 the --

25 Q. And Chief, as a result of their investigation,

1 were there any disciplinary measures taken against
2 jailer Alfredo Moreno?

3 A. He was -- he was placed on administrative leave.

4 Q. Okay.

5 A. Pending --

6 Q. How long was that, sir?

7 A. I'm not sure. I'd have to go back and look.

8 Q. Okay. Were there any disciplinary measures taken
9 against communications dispatcher Lydia Olalde?

10 A. No.

11 Q. Okay. Any disciplinary measures taken against
12 Officer Ponce?

13 A. No.

14 Q. Were there any disciplinary measures taken
15 against any other individual?

16 A. No, sir.

17 Q. And what was -- what were the reasons for placing
18 Alfredo Moreno the jailer on suspension, did you say?

19 A. No, no, administrative leave with pay.

20 Q. With pay, okay. Well, tell me why.

21 A. You get him away from the scene, because he was
22 the -- he was the jailer that was there.

23 Q. Okay.

24 A. And was exposed to all of this, okay.

25 Q. Okay.

1 A. And so he could recollect himself, and then bring
2 him back on so that he's on task again.

3 Q. So it's for his -- the benefit of his --

4 A. It's for his benefit.

5 Q. -- mental health and wellbeing?

6 A. For his own benefit, yeah.

7 Q. Okay.

8 A. It was with pay. It wasn't a disciplinary
9 action, it was just administrative leave.

10 Q. Okay. Well, were any disciplinary actions taken
11 against anybody?

12 A. None, none.

13 Q. Okay.

14 MR. RUIZ: I think that's all I have for
15 now. I pass the witness.

16 MR. CHANEY: We'll reserve ours questions
17 until the time of trial.

18 THE VIDEOGRAPHER: We're off the record at
19 2:54 p.m.

20 (End of proceedings.)

21

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23

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WITNESS NAME: _____ DATE OF DEPOSITION: _____

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[illegible]

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1 I, JOHN DANIEL MARTINEZ, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.
4
5
6

7 _____
JOHN DANIEL MARTINEZ

8 THE STATE OF TEXAS)

9 COUNTY OF HIDALGO)

10 Before me, _____, on this
11 day personally appeared JOHN DANIEL MARTINEZ, known to
12 me (or proved to me under oath or through
13 _____) (description of identity card or
14 other document) to be the person whose name is
15 subscribed to the foregoing instrument and acknowledged
16 to me that they executed the same for the purposes and
17 consideration therein expressed.

18 Given under my hand and seal of office this
19 _____ day of _____, 2010.
20
21

22 _____
Notary Public in and for
23 The State of Texas
24
25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JUAN ESTRADA, JR., ROSA ESTRADA,)
CRISELDA VILLARREAL, ADMINISTRATRIX)
OF THE ESTATE OF MARICELA TREVINO)
AND AS NEXT FRIEND OF S.M.L.,)
N.T.L. AND R.L., JR., AND FRANCISCO)
TREVINO,)

PLAINTIFFS,)

VS.)

CIVIL ACTION NO:
09-158

CITY OF WESLACO, ALFREDO MORENO,)
JR., ALBERT PONCE, WESLACO POLICE)
CHIEF JOHN DANIEL MARTINEZ, ONE)
UN-NAMED WESLACO EMS MEDIC, ALEX)
CAVAZOS AND CHRISTOPHER CUELLAR,)

DEFENDANTS.)

REPORTER'S CERTIFICATION
DEPOSITION OF JOHN DANIEL MARTINEZ
June 8, 2010

I, Anica Diaz, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, JOHN DANIEL MARTINEZ, was duly
sworn by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on
July, 2010 to the witness or to the
attorney for the witness for examination, signature and
return to Hill & Romero by August 16, 2010;

That the amount of time used by each party at the
deposition is as follows:

MR. MAURO RUIZ - 05 Hours: 03 minutes
MR. MITCHELL C. CHANEY - 00 Hours: 00 minutes

Hill & Romero
Certified Court Reporters

1 That pursuant to information given to the
2 deposition officer at the time said testimony was taken,
3 the following includes counsel for all parties of
4 record:

5 MR. MAURO RUIZ
6 RUIZ LAW FIRM, L.L.P.
7 200 East Cano
8 Edinburg, Texas 78539

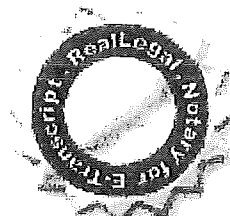
9 MR. MITCHELL C. CHANEY
10 COLVIN, CHANEY, SAENZ & RODRIGUEZ, L.L.P.
11 1201 East Van Buren Street
12 Brownsville, Texas 78522

13 I further certify that I am neither counsel for,
14 related to, nor employed by any of the parties or
15 attorney in the action in which this proceeding was
16 taken, and further that I am not financially or
17 otherwise interested in the outcome of the action.

18 Further certification requirements pursuant to
19 Rule 203 of TRCP will be certified to after they have
20 occurred.

21 Certified to by me this 15th day of
22 July, 2010.

23 *Anica Diaz*



24 Anica Diaz, Texas CSR 8021
25 Expiration Date: 12-31-11
Hill & Romero
Firm Registration No.: 313
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McAllen, Texas 78504
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